

What is “Open Burning”?

It is the burning of any type of combustible material out of doors in the open or in incinerators that are less than 133 cubic feet (1,000 gallons).

OPEN BURNING PERMITS

Permits are granted by the DOC Forest Ranger, the town forest fire warden or the fire chief that has jurisdiction over the location where the fire is to be set.

Permits must be issued in accordance with all applicable state and local fire regulations. A permit may be revoked

- * during a period of high forest fire danger
- * where a nuisance condition is created
- * when permit conditions are not followed.

Forest Rangers and town forest fire wardens are legally responsible to ensure that all established criteria for allowable burning are followed. Any person who engages in outdoor burning that is prohibited by statute or who fails to comply with the conditions of the permit shall be guilty of a Class E crime.

PROHIBITIONS

NO open burning of plastics, rubber, styrofoam, metals, food wastes, chemicals, treated wood, or other solid wastes (including trash, and paper or cardboard*1), except for wood wastes as specified under permissible open burning with permit.

NO open burning of tires, asphalt shingles, wire insulation, tar, paints, solvents and sludge.

NO residential burning of leaves, brush, deadwood and tree cuttings where prohibited by a municipality.

This includes any burning in campfires, outdoor fireplaces and any type of open or closed container such as burn barrels or unlicensed incinerators.

A. PERMISSIBLE OPEN BURNING WITH PERMIT

When not prohibited by statute, rule of any state agency or local ordinances, the following types of burning are permissible after a written permit is obtained, as long as no nuisance*2 is created.

- * Recreational campfires or fires at holiday and festive celebrations.
- * Burning of solid or liquid fuels and structures for the purpose of research or bona fide instruction and training of firefighters with qualified instructors. Criteria for bona fide instruction include:
 - a) hazardous materials stored inside buildings must be removed, such as paint, asphalt shingles, oil, etc.
 - b) there must be a certified instructor on scene
 - c) there must be a written training plan for the burning of the structure including an action plan, goals and objectives of the training.
 - d) Firemen must be utilized to attack the building in a real suppression attempt. If the fire is put out, it can be reignited for further training.

* Burning for agricultural purposes which include but are not limited to blueberry fields, potato tops, hayfields and prescribed burning for timberland management.

* Burning of leaves, brush, deadwood and tree cuttings from a landowners' property unless expressly prohibited by the municipality.

* Burning on site for disposal of wood waste from clearing of land, and painted or unpainted wood from construction and demolition debris resulting from; erection, modification, maintenance, demolition or construction of any highway, railroad, powerline, communication line, pipeline, building or development, where not prohibited by the municipality.

* Burning of painted and unpainted wood from construction and demolition debris or wood wastes such as brush, stumps, lumber, bark, wood chips, shavings, slabs, edgings, slash, sawdust and wood from production rejects, that are not mixed with other solid or liquid waste. "Lumber" must be entirely made of wood and free from metal, plastics, coatings, chemical treatments or other prohibited materials. This includes burning in the open or in outdoor incinerators with a primary chamber volume no greater than 133 cubic feet (1,000 gallons), which are not licensed by the DEP.

* Burning for hazard reduction purposes such as but not limited to the burning of grass fields.

* Burning for the containment or control of spills of gasoline, kerosene, heating oil or similar petroleum products; and

* Burning of wood waste and painted and unpainted wood from construction and demolition debris at solid waste facilities, in compliance with the facility's DEP permit, that does not contain plastics or other prohibited materials.

B. PERMISSIBLE BURNING WITHOUT PERMIT

When not prohibited by statute, rule of any state agency or local ordinances, the following types of burning are permissible as long as no nuisance*2 is created.

* Residential and licensed commercial campgrounds use of outdoor grills and fireplaces for recreational purposes such as preparing food. The Bureau of Forestry also recommends a seasonal campground self inspection and certification procedure be completed.

* Recreational campfires kindled when the ground is covered with snow, or on frozen bodies of water.

C. HAZARD CLEARANCE

Any solid waste facility shall be operated with the fire preventive measures specified below and as in their solid waste facility license:

A strip 10 feet wide cleared to mineral soil or water supply constructed on all sides of the landfill as approved by the forest ranger and town forest fire warden.

A 100 foot buffer zone, cleared of vegetation, debris and other inflammable material with green branches of conifers and dead branches/snags of all trees pruned to a height of 10 feet above the ground.

A watchman must be on site during periods of high forest fire hazard, when any demolition debris facility is burning,

*1 Note: A small amount of paper or cardboard can be used to start a permitted fire.

*2 Note: A nuisance means preventing the enjoyment of one's property.



PERMITTEE RESPONSIBILITIES

The permittee must:

- *follow all safety guidelines
- *have a written permit in their possession
- *assure that no nuisance is created .

The Permittee is responsible for the fire if it escapes and may be liable for suppression costs up to \$10,000 as well as any damages caused to other property.

PERMITTER RESPONSIBILITIES

It is the responsibility of those authorized to issue permits to understand and inform all permittees of prohibited burning materials and practices. The number of permits issued within any town during the day should be limited according to available firefighting resources.

Open Burning Permit Criteria

The criteria to be evaluated by the forest ranger or town forest fire warden before a permit can be issued are:

- * forest fire danger index and burning location
- * time of day and season of year
- * temperature, humidity, windspeed and direction
- * the matter and type of burning proposed
- * for recreational fires, the feasibility of use of public campsites
- * experience and capability of permittee in the safe use and control of proposed burning
- * length of burning period
- * presence or availability of sufficient force and equipment to control the burning.
- * the practicality of locating open burning as far away as possible from any abutting property boundary and/or building, in order to prevent creating a nuisance condition.

Open Burning Safety Criteria

Appropriate wind speeds for burning are 1-10 mph. For grass burning, wind speed should be 5 mph and lower. For brush, wind speeds less than 10 mph are acceptable.

Small, hot fires assist in dispersion and produce less smoke.

Short, frequent burn periods will help ensure that weather conditions won't change and cause a nuisance from air pollution.

Fires must be attended at all times:

- * *debris or incinerators* (one adult, one garden hose or bucket of water present at all times.)
- * *grass* (at least 2 adults, brooms or other appropriate items to suffocate a fire, buckets of water as well as garden hose.)
- * *brush* (at least 2 adults, garden hose, buckets of water and a few hand tools such as shovel and rake.)

Supplemental conditions or restrictions may be added by officials issuing permits.

Do not burn during an inversion (when stagnant air conditions are evident). The State guidelines allow open burning at the appropriate daylight hours for the season and fire hazards index. Although the Bureau of Forestry generally recommends that burning after 5 PM is the safest approach in terms of fire control safety; be aware that night time and early morning burning when air may be stagnant can create an air pollution nuisance and may necessitate a permit being revoked and the fire to be extinguished.

To protect the lives and property of its citizens, the State of Maine has adopted statutes and guidelines concerning open burning. The statutes are in two categories: 1) to *protect air quality and eliminate nuisance conditions* from air pollutants, 2) to *protect life and property from fire hazards*.



All of open burning laws can be enforced by the DOC Forest Rangers under the authority granted to them in 12 MRSA Section 8901. Other officials that can enforce these laws are; municipal police, county sheriffs and authorized state law enforcement officers.



STATE OF MAINE RULES AND GUIDELINES FOR OPEN BURNING



Forest Fire Control

This pamphlet is a "condensation of the following statutes and regulatory guidelines:

Department of Environmental Protection (DEP) Bureau of Air Quality Control
Chapter 102 Open Burning

Department of Conservation (DOC) Bureau of Forestry
12 MRSA Sections 9301 & 9321-9325

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